



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 11 2015

Mr. John J. Kim
Chief Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

REPLY TO THE ATTENTION OF:

Re: Referral
Superior Foreign Exchange Company
EPA ID No.: ILR000176503

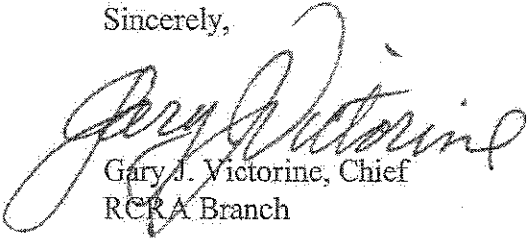
Dear Mr. Kim:

On August 14, 2014, you sent a referral package subject: Superior Foreign Exchange Company (Superior), ILR000176503, to the RCRA Branch of Region 5, U.S. Environmental Protection Agency for consideration. EPA is returning this referral without action. The following is information that EPA considered in making the decision to return the referral:

- October 15, 2014: EPA civil enforcement was put on hold pending an EPA Criminal Investigation Division (EPA CID) investigation of Superior and two other facilities. This hold remained in place until October 8, 2015.
- April 1, 2015: The IEPA inspector assigned to Superior reported to EPA that the universal waste batteries stored in the building were no longer present.
- April 1, 2015: EPA called the facility manager and learned that the Superior lost its lease and was no longer in business.
- October 8, 2015: EPA was permitted by EPA CID to move forward with its civil investigation. EPA then called the prior owner of the company and discussed the status of the business. EPA learned that the owner dissolved the company on or about November 2014. Further research at the Illinois Secretary of State website confirmed that the company was dissolved on November 14, 2014.
- Lack of Authorization to Enforce Universal Waste Rules in Illinois: In addition, the referral was based on the universal waste provisions of Illinois Title 35. EPA cannot enforce those provisions because they are not part of the Illinois authorized hazardous waste program. EPA intended to use the hazardous waste provisions of 40 C.F.R. §§ 262 and 265 in a civil enforcement action, but now there is no business to enforce against.

If you have any questions regarding this letter, please contact Mr. Chachakis, of my staff, at (312) 886-9871.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

cc: Todd Marvel, Illinois EPA, todd.marvel@illinois.gov
Charlene Thigpen, Illinois EPA, charlene.thigpen@illinois.gov
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